

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

JOSEPHINE CARROLL, ET AL.,
Plaintiffs,

v.

JAMES S. CARROLL, JR., ET AL.,
Defendants.

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C.A. No. 05-11670-GAO

FURTHER MEMORANDUM AND ORDER

O'TOOLE, D.J.

On August 5, 2005, Plaintiffs Josephine Carroll and James J. Carroll III, filed a voluminous *pro se* Complaint against 50 defendants, including current and past officials, workers and members of the Massachusetts judiciary, law enforcement and other agencies and municipalities. Plaintiffs alleged, *inter alia*, a conspiracy to defraud and deprive Plaintiffs of property, as well as other civil rights violations under 42 U.S.C. § 1983 *et seq.* and state-law claims (e.g., abuse of process, malicious prosecution, theft, conversion, etc.).

By Memorandum and Order dated September 1, 2005, this Court allowed Plaintiff Josephine Carroll's Application to Proceed Without Prepayment of Fees, and directed Plaintiff James J. Carroll, III to either pay the proportionate share of the filing fee, or file a completed Application to Proceed Without Prepayment of Fees.

On September 19, 2005, Plaintiff James J. Carroll, III filed an Application to Proceed Without Prepayment of Fees (#4). On September 23, 2005 a Further Memorandum and Order (#5) issued, denying Plaintiff James J. Carroll, III's Application, and directing him to pay the

proportionate share of the filing fee (\$125.00), within thirty-five days of the date of that Memorandum and Order. Plaintiff James J. Carroll III was advised that failure to comply with this directive would result in his dismissal as a party to this action.

To date, Plaintiff James J. Carroll III has failed to pay the \$125.00 filing fee as directed, and has not sought additional time to do so. Accordingly, for failure to pay the filing fee, and failure to comply with the September 23rd Memorandum and Order, it is hereby ORDERED that James J. Carroll III is dismissed without prejudice as a Co-Plaintiff in this action. The clerk is directed to correct the docket accordingly. No summonses shall issue in this action pending preliminary screening pursuant to 28 U.S.C. § 1915.

DATED: November 29, 2005

/s/ George A. O'Toole, Jr.
GEORGE A. O'TOOLE, JR.
UNITED STATES DISTRICT JUDGE